

December 5, 2016

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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NASTASI & ASSOICATES,

Plaintiff,

-against-

ANTHONY GERRATO,

Defendant.

Index No. 606086/2015

-----X

100 Supreme Court Drive

Nassau, New York

December 5, 2016

10:15 a.m.

EXAMINATION BEFORE TRIAL of ANTHONY NASTASI,
the Plaintiff in the above-entitled action, held
at the above time and place, taken before Denice
De Rosa-Maloney, a Stenotype Reporter and Notary
Public of the State of New York, pursuant to Court
Order and stipulations between counsel.

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A P P E A R A N C E S :

LAW OFFICE OF MICHAEL A. KOFSKY, P.L.L.C.

Attorneys for Plaintiff

One Old Country Road, Suite 347

Carle Place, New York 11514

BY: MICHAEL A. KOFSKY, ESQ.

MICHAEL FX RYAN, ESQ.

Attorneys for Defendant

3005 East Main Street

Cortland Manor, New York 10567

BY: JEFFREY RIZZO, ESQ.

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2 STIPULATIONS

3 IT IS HEREBY STIPULATED AND AGREED by and
4 between (among) counsel for the respective parties
5 hereto, that;

6
7 All rights provided by the C.P.L.R.,
8 including the right to object to any question,
9 except as to form, or to move to strike any
10 testimony at this (these) examination(s), are
11 reserved, and, in addition, the failure to object
12 to any question or to move to strike any testimony
13 at this (these) examination(s) shall not be a bar
14 or waiver to make such motion at, and is reserved
15 for the trial of this action;

16
17 IT IS FURTHER STIPULATED AND AGREED by and
18 between (among) counsel for the respective parties
19 hereto, that this (these) examination(s) may be
20 sworn to by the witness(es) being examined, before
21 a Notary Public other than the Notary Public
22 before whom this (these) examination(s) was (were)
23 begun; but the failure to do so, or to return the
24 original of this (these) examination(s) to
25 counsel, shall not be deemed a waiver of the

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2 rights provided by Rules 3116 and 3117 of the
3 C.P.L.R., and shall be controlled thereby;
4

5 IT IS FURTHER STIPULATED AND AGREED by and
6 between (among) counsel for the respective parties
7 hereto, that this (these) examination(s) may be
8 utilized for all purposes as provided by the
9 C.P.L.R.;

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11 IT IS FURTHER STIPULATED AND AGREED by and
12 between (among) counsel for the respective parties
13 hereto, that the filing and certification of the
14 original of this (these) examination(s) shall be
15 and the same hereby are waived;
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17 IT IS FURTHER STIPULATED AND AGREED by and
18 between (among) counsel for the respective parties
19 hereto, that all rights provided by the C.P.L.R.,
20 and Part 221 of the Uniform Rules for the Conduct
21 of Depositions, including the right to object to
22 any question, except as to form, or to move to
23 strike any testimony at this examination is
24 reserved; and in addition, the failure to object
25 to any question or to move to strike any testimony

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at this examination shall not be a bar or waiver
to make such motion at, and is reserved to, the
trial of this action;

IT IS FURTHER STIPULATED AND AGREED by and
between (among) counsel for the respective parties
hereto, that a copy of the within examination(s)
shall be furnished to counsel representing the
witness(es) testifying, without charge.

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A N T H O N Y N A S T A S I, the Plaintiff

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herein, having first been duly sworn by Denice

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De Rosa-Maloney, a Notary Public herein, was

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examined and testified as follows:

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EXAMINATION BY

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MR. RIZZO:

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THE COURT REPORTER: Would

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you, please, state your full name

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for the record.

11

THE WITNESS: Anthony Nastasi.

12

THE COURT REPORTER: Would

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you, please, state your current

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address for the record.

15

THE WITNESS: 6120 Northern

16

Boulevard, East Norwich, New York

17

11732.

18

MR. RIZZO: Mr. Nastasi, my

19

name is Jeffery Rizzo. I am an

20

attorney from Michael FX Ryan and

21

Associates, who's representing

22

Anthony Gerrato in a claim that

23

you're bringing against him. I'm

24

going to ask you questions

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regarding that claim. I'm going to

1 Nastasi
2 ask that you keep all of your
3 answers verbal. The court reporter
4 can't take down nods of the head,
5 hands gestures, thing of that type.
6 I'm also going to ask if there are
7 any questions that I ask you that
8 you don't understand, please let me
9 know and I will be happy to
10 rephrase the question for you. If
11 you answer the question, I'm going
12 to assume that you understood the
13 question. If at any time you need
14 a break, let me know and as long as
15 there's no pending question, you
16 could take the break.

17 THE WITNESS: Sure.

18 Q. What is your position with Nastasi
19 and Associates? Are you an officer?

20 A. I am.

21 Q. Do you have any other title other
22 than officer?

23 A. President.

24 Q. Are there any other officers of the
25 corporation?

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Nastasi

A. No.

Q. What is the address for Nastasi and Associates?

A. P.O. Box 1316, Syosset, New York 11791.

Q. Are there any other employees of Nastasi and Associates?

A. No.

Q. One other instruction. There are going to be questions that I'm going to ask and you're going to know where I'm going. Just let me finish the question before you start to answer. It makes it easier for the court reporter.

A. Okay.

Q. How long has Nastasi and Associates been in existence?

A. Since 1993.

Q. What type of business is it?

A. It was a construction business.

Q. Is it involved in any other sort of business?

A. No.

Q. How many employees does Nastasi and

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Nastasi

Associates have?

A. Zero.

Q. What type of construction work do they do?

A. They did carpentry work.

Q. Are they no longer in existence?

A. They have ceased operations.

Q. At one point did they have other employees?

A. Yes.

Q. How many employees did you have?

A. Approximately, seven hundred.

Q. Why did Nastasi and Associates cease existence?

MR. KOFSKY: Objection as to relevancy.

A. Repeat that.

Q. Why does Nastasi and Associates no longer exist?

A. I got out of the business.

Q. For what reason?

A. Personal.

Q. Could you respond beyond that?

MR. KOFSKY: Once again,

23 Q. Were you involved in any other
24 business while you were the president of Nastasi
25 and Associates?